

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed June 8, 2005.

Claims 48-79, 83-94, 98-105 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 48-79, 83-94, 98-105. The present Response cancels claims 55-56, 58, 69-70, 72, amends claims 48, 57, 62, 71, and adds new claim 106 and 107, leaving for the Examiner's present consideration claims 48-54, 57, 59-69, 71, 73-79, 83-106. Reconsideration of the rejections is requested.

Claims 48-53, 55-56, 58-67, 69-70 and 72-75 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wyman et al., U.S. Patent 5,438,508. Claims 54, 68, 76-79, 83-84, 86-94, 98-99 and 101-105 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wyman et al., U.S. Patent 5,438,508 in view of Bains et al., U.S. Patent 5,579,222. Claims 57 and 71 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wyman, U.S. Patent 5,438,508 in view of Rivera et al., U.S. Patent 6,056,786. Claims 85 and 100 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wyman, U.S. Patent 5,438,508 in view of Bains et al., U.S. Patent 5,579,222, and in further view of Rivera et al., U.S. Patent 6,056,786.

Claims 48 and 62 have been amended to now state that the master node initiates a license lockout grace period if the number of licensed software users exceeds a maximum number of licenses. Such a license block out grace period is not shown, suggested or given a motivation for in any of the cited prior art alone or in combination. Wyman describes an overdraft limit. But this overdraft limit cannot be considered to be a period. The overdraft limit is a number of licenses and thus, if the number of licenses remains below the overdraft limit the system can presumably stay in the overdraft condition permanently. The grace period of the present invention is thus different and is believed to be patentable. For this reason, these independent claims and their dependent claims are believed to be allowable.

Claims 76 and 91 include a step of deallocating any licenses allocated to users to any of the nodes in which a scan result message has not been received. Such a step is not shown or suggested or given a motivation for in the cited prior art. Bains does describe (in column 8 lines 1-10) not granting a license to a node when the node loses a connection with the license server. In the section of Bains cited above, since a license has not yet been granted, there is no license

that can be deallocated. For this reason these independent claims and their dependent claims are believed to be allowable.


New claims 106 and 107 has been added. New claim 106 states that the master node sends a warning message if the total number of licensed software users exceeds a limit that is less than the maximum number of licenses. Such a limitation is not shown or suggested in the cited prior art. The cited prior art does describe a system in which a message is sent when the total number of license software users equals or exceeds the maximum number of licenses, but no warning message is sent before this maximum number of licenses is reached in the cited prior art. For this reason, claim 106 and its dependent claim 107 is believed to be allowable.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if they can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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